

124 of 153 DOCUMENTS

The Washington Post

washingtonpost.com

The Washington Post

October 3, 2000, Tuesday, Final Edition

Animal Regulations to Expand; USDA Agrees to Cover Care of Birds, Rodents in Research Rules

Rick Weiss , Washington Post Staff Writer

SECTION: A SECTION; Pg. A23**LENGTH:** 849 words

Under intense legal pressure from animal rights activists, the U.S. Department of Agriculture has reluctantly agreed to expand its regulation of research animals to include mice, rats and birds for the first time.

The move has infuriated some biomedical researchers and patient support groups, who claimed it could cost the nation hundreds of millions of dollars in paperwork costs and slow the search for cures.

Under the terms of an out-of-court settlement reached late last week, USDA will start a formal rule-making process to spell out minimum standards of care for the tens of millions of rodents and birds that U.S. researchers use in their labs.

The agreement, which must gain final approval from the U.S. District Court, marks a hard-won victory for animal activists, who for more than a decade have pursued a variety of legal avenues aimed at bringing rodents and birds under the 1966 Animal Welfare Act's umbrella of protections. The act, which is the nation's keystone statute relating to animal use and care, requires USDA to promulgate rules protecting all warm-blooded animals used for research, testing, experimentation and other purposes.

Rodents comprise the vast majority of animals used in research today, and their numbers are expected to increase significantly in the next few years as scientists use sophisticated molecular biological tools to create new breeds afflicted with syndromes that mimic human diseases.

While rodents are warm blooded, until now the department has chosen not to regulate them under the act, in part because it lacks the resources to do so. Many research organizations have supported that regulatory exception, noting that other institutions--notably the National Institutes of Health--already regulate rodent care under separate rules that apply to most of the nation's researchers.

But activists have said the NIH rules are inadequate. For one thing, they don't cover all researchers; they apply to

Animal Regulations to Expand; USDA Agrees to Cover Care of Birds, Rodents in Research Rules The Washington Post
October 3, 2000, Tuesday, Final Edition

fewer than 60 percent of all laboratories doing research with rodents, according to Sue Leary, president of the Alternatives Research and Development Foundation in Jenkintown, Pa., the scientific affiliate of the American Anti-Vivisection Society, which was the lead plaintiff on the USDA lawsuit. And only about one-third of all labs are accredited through the major animal accreditation body in this country, Leary said.

Researchers stand to lose their funding if they don't comply with the NIH rules, but activists claim that enforcement is not at the top of the NIH's agenda.

"I can't think of a single instance" in which a researcher has lost funding or had research suspended because of violations of rodent care rules, said Andrew Kimbrell, an attorney with the public interest law firm Kimbrell & Mendelson, which in March 1999 filed the lawsuit for the ARDF and two other plaintiffs--In Vitro International, which develops technologies that can substitute for animal tests, and Kristine Gausz, a student at Beaver College in Pennsylvania who claimed she was harmed by seeing badly treated rodents in a psychology experiment.

NIH officials yesterday contested that view. "We actively enforce [public health service] policy for all vertebrate species," the agency said in a statement. "Many compliance actions have been based on rodent-related activities. Shutting down facilities is extremely rare (for us and for USDA); however, that does not equate to lack of enforcement."

Partly because of the lack of federal statutory oversight, no one knows exactly how many small animals are used in research. The National Association for Biomedical Research (NABR) has estimated that 23 million rats and mice were used in 1998, accounting for about 95 percent of all research animals.

Some research groups had supported inclusion of rodents and birds under the animal welfare act. And Agriculture Secretary Dan Glickman yesterday sought to reassure researchers that the rule-making process could provide a good result.

"I believe this proposed settlement is a reasonable resolution of this case," Glickman said. "By initiating this rule-making we ensure an open process with significant opportunities for public input."

But some researchers complained bitterly yesterday about the department's decision to settle without a bigger fight and without making more use of the research community's powerful political base.

"What are they thinking?" asked an angry **Frankie Trull**, president of the Washington-based NABR. "This certainly is not in the best interest of the future well-being of the American public."

The Association of American Medical Colleges said the organization was "disappointed" that USDA had settled. "Unfortunately, the settlement now opens the door to an increased regulatory and paperwork burden," the group said.

NABR has estimated that the bureaucratic burden could run as high as \$ 200 million, a figure Kimbrell and Leary disputed.

"If they are conducting sound research and it's appropriate and humane, then this regulation won't have much impact on them," Leary said.

LOAD-DATE: October 03, 2000

LANGUAGE: ENGLISH